

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

FIRST APPEAL (ST.) NO. 10219 OF 2005

NIZAMUDDIN ZAHIRUDDIN KHAN .. APPELLANT

Vs.

THE BOMBAY ELECTRIC SUPPLY
& TRANSPORT UNDERTAKING & ANR. ..
RESPONDENTS

Mr. Bulchandani i/b Kamal & Co. for appellant

Mr. Prakash N. Ganwani i/b Zohair & Co. for respondents

CORAM:-SMT. RANJANA DESAI, J.

DATED:-6-5-2005

P.C.

Appellant Nizamuddin Zahiruddin Khan and his counsel Shri Bulchandani, are present in the court. Mr. Ganwani, the learned counsel for respondent 2 is also present. Respondent 1 has been served a notice, however, nobody is representing respondent 1. A copy of the said notice is taken on record and marked "X".

2. Upon a query made by this court appellant Mr. Nizamuddin Zahiruddin Khan states that he has surrendered the suit premises being Shop No. G-1 (Wooden Stall) standing on the property known as “Sam Villa” (formerly known as Dr. Dadina Building) situate at Jahangir Daji Street, Off. Sleater Road, Grant Road, Mumbai 400 007 bearing No. C. S. No. 47 of Tardeo Division to the 2nd respondent Shabbir Abbas Mandviwala (being the landlord of the said property) and he has handed over quiet, vacant and peaceful possession thereof to him. He says that in view of this, he wants to withdraw the present first appeal.
3. In the circumstances first appeal is allowed to be withdrawn with no order as to costs. Needless to say that civil application also stands disposed of.
4. First Appeal is not numbered, that objection is dispensed with. Objection regarding filing of decree is also dispensed with.
5. Parties to act on authenticated copy of this order.

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